

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert Sisson, City Manager

**SUBJECT:** Consideration of a resolution amending Resolution No. R-02-54 to extend the moratorium on tax exemption requests for exemption by designation to all tax exemption requests within the discretion of the City.

**ISSUE(S):** To consider a resolution amending Resolution No. R-02-54 to extend the moratorium on tax exemption requests for exemption by designation to all tax exemption requests within the discretion of the City as provided in Virginia Code § 58.1-3651.

**SUMMARY:** Prior to January 1, 2003, the General Assembly had the authority to exempt property used for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes from real or personal property taxes by designation or classification. The General Assembly considered a tax exemption request after the locality with taxation authority over the organization reviewed the request and passed a resolution either supporting or refusing to support the request. On October 22, 2002, the City Council passed Resolution No. R-02-54, which established a moratorium on forwarding tax exemption requests to the General Assembly for consideration. Effective January 1, 2003, Article X, Section 6(a)(6) of the Constitution of Virginia was amended to provide that localities may by ordinance exempt property from real and personal property taxes by designation or classification. In order to implement the Constitutional amendment, the General Assembly has enacted Code of Virginia § 58.1-3651, effective January 1, 2003, which provides that localities may by designation or classification exempt from real or personal property taxes, or both, by ordinance, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. If the City Council desires to extend the moratorium on tax exemption requests to all tax exemption requests within the discretion of the City as provided in Code of Virginia § 58.1-3651, Resolution No. R-02-54 must be amended.

**FISCAL IMPACT:** Currently, real property tax exemptions by classification and designation represent \$226,029,300 in assessed value, which equates to \$2,079,469.56 in exempted taxes for 2003. Personal property tax exemptions total \$2,000.00 per year in exempted taxes. If the City Council adopts this resolution, there will be no additional decrease in revenue related to real and personal property tax exemptions.

**RECOMMENDATIONS:** Approve the resolution.

**ALTERNATIVE  
COURSE OF ACTION:** Do not approve the resolution.

**RESPONSIBLE STAFF/  
POC:** Dorothy O. Bennett, CAE, Real Estate Assessor

**COORDINATION:** City Attorney

**ATTACHMENTS:** Summary of 2003 Tax Exemptions  
Resolution  
Sample Motion

## TAX EXEMPT PROPERTY - 2003

	2003	2003	2003	EXEMPTED
CATEGORY	LAND	BUILDING	TOTAL	TAXES
FEDERAL	\$ 1,496,700	\$ 1,390,200	\$ 2,886,900	\$ 26,559.48
STATE	\$ 2,012,400	\$ 333,600	\$ 2,346,000	\$ 21,583.20
LOCAL	\$ 48,891,000	\$ 16,025,000	\$ 64,916,000	\$ 597,227.20
REGIONAL	\$ 5,950,600	\$ 7,497,400	\$ 13,448,000	\$ 123,721.60
EDUCATIONAL	\$ 35,660,200	\$ 55,600,700	\$ 91,260,900	\$ 839,600.28
RELIGIOUS	\$ 13,658,000	\$ 20,293,600	\$ 33,951,600	\$ 312,354.72
CHARITABLE	\$ 6,067,500	\$ 10,648,100	\$ 16,715,600	\$ 153,783.52
OTHER	\$ 504,300	\$ -	\$ 504,300	\$ 4,639.56
<b>TOTALS</b>	<b>\$ 114,240,700</b>	<b>\$ 111,788,600</b>	<b>\$ 226,029,300</b>	<b>\$ 2,079,469.56</b>

FEDERAL - FEDERALLY OWNED PROPERTY

STATE - STATE OWNED PROPERTY

LOCAL - CITY OWNED PROPERTY/IDA PROPERTY/FIRE STATION

REGIONAL - PROPERTY OWNED BY FAIRFAX COUNTY AGENCIES

EDUCATIONAL - SCHOOLS

RELIGIOUS - PROPERTY OWNED BY CHURCHES/RELIGIOUS ENTITIES

CHARITABLE - CHARITABLE & BENEVOLENT USES/COMMUNITY POOLS/ETC.

OTHER - CEMETERIES

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING RESOLUTION NO. R-02-54 TO EXTEND THE MORATORIUM ON TAX EXEMPTION REQUESTS FOR EXEMPTION BY DESIGNATION TO ALL TAX EXEMPTION REQUESTS WITHIN THE DISCRETION OF THE CITY AS PROVIDED IN VIRGINIA CODE SECTION 58.1-3651.**

**WHEREAS**, prior to January 1, 2003, the General Assembly had the authority to exempt property used for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes from real or personal property taxes by designation or classification; and

**WHEREAS**, on October 22, 2002, due to current and projected fiscal constraints, the City Council adopted Resolution No. R-02-54, which established a moratorium on forwarding tax exemption requests to the General Assembly for consideration; and

**WHEREAS**, effective January 1, 2003, Article X, Section 6(a)(6) of the Constitution of Virginia was amended to provide that localities may by ordinance exempt property from real and personal property taxes by designation or classification; and

**WHEREAS**, in order to implement the Constitutional amendment, the General Assembly has enacted Code of Virginia § 58.1-3651, effective January 1, 2003, which provides that localities may by designation or classification exempt from real or personal property taxes, or both, by ordinance, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

**WHEREAS**, the City Council desires to amend Resolution No. R-02-54 to extend the moratorium on tax exemption requests to all tax exemption requests within the discretion of the City as provided in Code of Virginia § 58.1-3651, including those requests related to exemption by classification.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairfax that the City Council hereby amends Resolution No. R-02-54 to extend the moratorium on tax exemption requests to all tax exemption requests within the discretion of the City as provided in Code of Virginia § 58.1-3651, including those requests related to exemption by classification.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Fairfax that the moratorium shall be in effect until June 30, 2004, unless changed prior thereto by the City Council.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_

City Clerk

J. Cross  
J. Greenfield  
G. Lyon  
G. Rasmussen  
S. Silverthorne  
P. Winter

Vote

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## **SAMPLE MOTION**

**“I MOVE TO ADOPT A RESOLUTION AMENDING RESOLUTION NO. R-02-54 TO EXTEND THE MORATORIUM ON TAX EXEMPTION REQUESTS FOR EXEMPTION BY DESIGNATION TO ALL TAX EXEMPTION REQUESTS WITHIN THE DISCRETION OF THE CITY AS PROVIDED IN VIRGINIA CODE SECTION 58.1-3651.”**

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Designation of Fire Chief Thomas W. Owens as the authorized agent for the City of Fairfax to apply

for federal financial assistance under the U.S. Department of Justice Equipment Grant Program.

ISSUE(S): In order for the City of Fairfax to apply for and receive federal financial assistance through the Commonwealth of Virginia under the U.S. Department of Justice Equipment Grant Program, the City must designate an agent authorized to apply for the federal assistance. Chief Owens is being designated to replace former Fire Chief Gary Mesaris.

SUMMARY: The Department of Justice Grants are provided to assist local governments with the purchase of equipment needed to support local and regional emergency response services. The grants do not require any local matching funds and are designated for specific equipment items based upon the local jurisdictions grant application. In order for the City of Fairfax to take advantage of this grant program, it must designate an agent to act on behalf of the City to file the appropriate applications and documentation. Chief Owens will replace Chief Mesaris who was previously designated as the City's agent for this grant program.

FISCAL IMPACT: If approved, the City of Fairfax would remain eligible for federal financial assistance under this program, subject to the allocation of federal funding for these grants.

RECOMMENDATION: Adopt the resolution.

ALTERNATIVE

COURSE OF ACTION: None recommended

RESPONSIBLE STAFF/

POC: Fire Chief Thomas W. Owens

COORDINATION City Manager Robert L. Sisson

ATTACHMENTS:

1. Resolution
2. Sample Motion

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE FIRE CHIEF/EMERGENCY SERVICES COORDINATOR TO FILE AN APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE UNDER THE U.S DEPARTMENT OF JUSTICE EQUIPMENT GRANT PROGRAM, AS ADMINISTERED BY THE COMMONWEALTH OF VIRGINIA

BE IT RESOLVED, by the City Council of the City of Fairfax, Virginia that our designated agent, Fire Chief Thomas W. Owens, is hereby authorized to execute for and on behalf of the City of Fairfax, a public entity established under the laws of the Commonwealth of Virginia, an application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the U.S. Department of Justice Equipment Grant Program, administered by the Commonwealth of Virginia.

BE IT FURTHER RESOLVED, that the City of Fairfax, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the U.S. Department of Justice for all matters pertaining to such Federal financial assistance, any and all information pertaining to these grants as may be requested.

Adopted this 9<sup>th</sup> day of September, 2003.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

#### SAMPLE MOTION

I move approval of the resolution designating Fire Chief Thomas W. Owens as the City of Fairfax agent authorized to apply for federal financial assistance under the U.S. Department of Justice Equipment Grant Program.

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: A Resolution Approving the Financing by Fairfax Volunteer Fire Department of up to \$480,000

For the Aerial Fire Truck Project

ISSUE(S): Whether the City Council shall pass a resolution as required by the Internal Revenue Service (IRS), approving a financing program by the Fairfax Volunteer Fire Department to borrow up to \$480,000 for a fire truck.

SUMMARY: Recently adopted IRS rules require the City Council of the City of Fairfax to approve the financing of the purchase of an aerial fire truck by the Fairfax Volunteer Fire Department (FVFD). The FVFD intends to borrow \$480,000 at an interest rate not to exceed 4.22 percent.

The adoption of this resolution does not create a debt obligation for the City of Fairfax. The required resolution must be adopted in order that the FVFD financing can be carried out on a tax-exempt basis. An IRS-required public hearing will be held by the FVFD on Thursday, September 4, 2003 at 4801 University Drive. The public hearing has been previously advertised. The City Council will receive a report prior to September 9, 2003, concerning the public comment received at this public hearing.

FISCAL IMPACT: No direct financial impact to the City of Fairfax. The FVFD will benefit in that the financing costs will be reduced due to the tax-exempt method of financing.

RECOMMENDATION: It is recommended that City Council approve the resolution.

ALTERNATIVE

COURSE OF ACTION: City Council may reject the resolution which will result in the FVFD incurring higher borrowing costs for the purchase of the fire truck.

RESPONSIBLE STAFF/

POC: Robert L. Sisson, City Manager

COORDINATION: Robert L. Sisson, City Manager  
Carlton Penn, Fairfax Volunteer Fire Department Attorney  
William. F. Roeder, Jr., City Attorney

ATTACHMENTS: Resolution  
Sample Motion

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING THE FINANCING BY FAIRFAX VOLUNTEER  
FIRE DEPARTMENT OF UP TO \$480,000 FOR  
THE AERIAL FIRE TRUCK PROJECT**

**WHEREAS**, Fairfax Volunteer Fire Department (the "Fire Department") has determined to finance an amount of up to \$480,000 for an aerial fire truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis; the City Council of the City of Fairfax must first approve the financing. The Fire Department has held a public hearing on the financing after published notice, as required by the Code. The Volunteer Fire Department has reported the proceeding of the hearing to the City Council.

**BE IT THEREFORE RESOLVED** by the City Council of the City of Fairfax, Virginia, as follows:

1. The City approves the Volunteer Fire Department entering into the financing as required under the Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Volunteer Fire Department's conduct of the required public hearing is approved.

Introduced: September 9, 2003

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Acting City Clerk

VOTE:

Councilwoman Cross	_____
Councilman Greenfield	_____
Councilwoman Lyon	_____
Councilman Rasmussen	_____
Councilman Silverthorne	_____
Councilmember Winter	_____

### SAMPLE MOTION

I move adoption of the resolution to approve financing by the Fairfax Volunteer Fire Department of up to \$480,000 for the aerial fire truck project.

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert Sisson, City Manager

**SUBJECT:** Approval of contract to expand the CUE bus wash bay

**ISSUE (S):** City Council will consider awarding a contract to Sumter Contracting Corporation.

**SUMMARY:** Two qualified bids were received. Sumter Contracting Corporation bid \$184,677 and The Tan-Kat Corporation bid \$186,000. This project will add approximately 2,000 square feet to the existing bus wash bay. The additional room is needed to accommodate new bus wash equipment and to detail buses once washed. The project was first bid in January 2003. At that time, four bids were received and all were in excess of the project budget. The first bid included new bus wash equipment. New equipment was removed from the bid and the building portion of the project was re-bid and the two qualified bids were received.

**FISCAL IMPACT:**

The low bid is \$184,677. NVTC funds will be used to fund the project.



**RECOMMENDATION:**

I recommend that City Council approve the bid of Sumter Contracting Corporation in the amount of \$184,677 to expand the CUE bus wash bay.

**ALTERNATIVE COURSE OF ACTION:**

Do not approve contract.

**RESPONSIBLE STAFF/POC:**

Operations Director  
Transportation Director  
Transit Superintendent

**COORDINATION:**

Director of Public Works  
Director of Finance

**ATTACHMENTS:**

Staff Memo  
Sample Motion

To: Robert Sisson, City Manager

Through: John Veneziano, Director of Public Works

From: Glen Shelton, Operations Director  
Alex Verzosa, Transportation Director

Subject: Cue Bus Wash Bay Expansion

Date: 7/10/03

### BACKGROUND

This project will add approximately 2,000 square feet to the existing CUE bus wash bay. The addition is needed so staff can wash and detail more than one bus at a time and to accommodate the new drive through style bus wash equipment. The drive through style bus washer will replace a 17 year old roll over gantry style washer. The project was first bid in January 2003. At that time four bids were received all well in excess of the project budget of approximately \$240,000. Staff decided to re-bid the project, bidding the building and equipment separately. Staff also decided to request grant funds to pay for all or at least most of the costs. Bids for the building were opened on 6/27/03 and two qualified bids were received. Bids for bus wash equipment were opened on 8/15/03 and are being analyzed. The project meets all City zoning requirements.

### FUNDING

NVTC funds will be used to fund the project. The cost for the building is \$184,677 and the cost for equipment is estimated at \$146,496. The total project cost is \$331,173. The original estimate for the cost of the building was \$140,000. The building exceeded the estimate for three reasons. First, the location of site utilities had to be changed. Second, there was a change in driveway elevation and the addition of a concrete apron. Third, the project was originally estimated well over a year ago.

### BUILDING SYSTEM

The addition to the wash bay will be a pre-fabricated metal building matching the existing bus wash bay and the city garage. The building will be painted to match the existing metal buildings at the property yard.

### BIDS

Two qualified bids were received. Sumter Contracting Corporation bid \$184,677 and The Tan-Kat Corporation bid \$186,000. Sumter Contracting Corporation was the low bidder. Staff has contacted Sumter's references and all were favorable. The project architect is familiar with Sumter's past performance and has recommended Sumter. Staff recommends the project be awarded to Sumter Contracting Corporation.

### SCHEDULING

The project should start in early October and be finished by the end of January 2004 weather permitting.

### MAINTENANCE

The expansion of the CUE bus wash bay will have a minimal impact on building maintenance and utility costs. The new equipment costs less to maintain and repair and is much more energy efficient.

### **SAMPLE MOTION**

**"I MOVE THAT CITY COUNCIL AWARD A CONTRACT IN THE AMOUNT OF \$184,677 TO SUMTER CONTRACTING CORPORATION TO EXPAND THE CUE BUS WASH BAY AT THE PROPERTY YARD.**

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Authorizing the City Manager to Sign the Agreement between the City of Fairfax and the Virginia Department of Transportation for the Purchase and Installation of Traffic Monitoring Video Cameras

ISSUE(S): To consider authorizing the City Manager to sign the agreement with the Virginia Department of Transportation (VDOT) for the purchase and installation of traffic monitoring video cameras.

SUMMARY: The City received a total of \$400,000 in RSTP and CMAQ funds for the purchase and installation of traffic monitoring video cameras. The total estimated project cost in the attached agreement is for \$440,000. \$400,000 is for the purchase and installation of the traffic monitoring video cameras and \$40,000 is for engineering and contingencies. These amounts are estimates provided by the Virginia Department of Transportation (VDOT). Although the total estimated project cost in the agreement exceeds the total funds allocated for this project, the City does not expect to spend any of the \$40,000, because the proposed contract with Oracle Surveillance Systems, Ltd. in the amount of \$399,151.27 is a turnkey contract that includes design and engineering. The attached agreement needs to be signed by the City and VDOT before the City can provide the vendor with a "Notice To Proceed". The City Council will be asked to authorize the City Manager to sign the agreement.

FISCAL IMPACT: \$60,000 in general funds appropriated in June 2001, to match the \$340,000 from the State.

RECOMMENDATION: Authorize the City Manager to sign the Agreement

ALTERNATIVE  
COURSE OF ACTION: Do not authorize City Manager and direct staff to provide more detailed information about the project.

RESPONSIBLE STAFF/  
POC: Alexis Verzosa, Transportation Director

COORDINATION: Public Works, Finance, Police, City Attorney

ATTACHMENTS: Agreement  
Sample Motion

TO: Robert Sisson  
City Manager

THRU: John Veneziano  
Public Works Director

FROM: Alexis Verzosa  
Transportation Director

SUBJECT: Authorizing the City Manager to Sign the Project Agreement between the City of Fairfax and Commonwealth of Virginia Department of Rail and Public Transportation for the CUE Public/Private Partnership Marketing Program

DATE: August 26, 2003

The City submitted a grant application in the amount of \$130,000 to the State to fund the CUE Public/Private Partnership Marketing Program. At the June 19, 2003 Commonwealth Transportation Board (CTB) meeting, CTB approved only \$104,000 in state grant funds for the Program. In addition, the State required the City to provide \$26,000 in matching funds. The \$26,000 is broken down into \$16,000 in general funds and \$10,000 in projected revenue from the project. Before the City can receive funds from the state grant, the City needs to sign the attached Project Agreement.

After the CTB approved the grant funds in June 2003, the City set up a public/partnership project among the City, Broadside Newspaper of GMU, and Fairfax Chamber of Commerce. The project is to publish a business directory that will have a listing of City businesses and across the names of each of the business will be the closest CUE bus route and bus stop. Inserted in the directory will be a CUE bus map and schedule. In the map, all CUE bus stops will be numbered so riders can easily find the closest bus stop to each of the businesses listed in the directory. The goal of the directory is to increase patronage of City businesses at the same time increasing CUE ridership.

The City will use the state funds to provide the initial funding for the publication of the directory. Broadside will provide all the staff support for the publication of the directory. Broadside staff also will solicit advertisements for the directory. Net proceeds from the advertisements will be shared between the City and Broadside. It is projected that after three years, the directory will be self-sustaining. GMU students also will have an on-going project, similar to the student-run Broadside newspaper.

In addition, the business directory will have an online version of the directory. Anyone with Internet access can go to [www.onlineoncue.com](http://www.onlineoncue.com) and click on any of the business names listed and a pop-up map will show the location of the business, the CUE bus route and stop closest to that business.

The City Council will be asked to authorize the City Manager to sign the Project Agreement.

**AGREEMENT BETWEEN THE CITY OF FAIRFAX  
AND VIRGINIA DEPARTMENT OF TRANSPORTATION**

The City of Fairfax, Commonwealth of Virginia, hereinafter referred to as FAIRFAX, and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT, hereby agree as follows:

1. The DEPARTMENT approves plan for the installation of video traffic monitoring cameras within Fairfax, Project U000-151-113, C-501 and Federal Project CM/STP-5401(499).
2. FAIRFAX will prosecute the project as designed and requests the DEPARTMENT to submit the project with recommendation that it be approved by the Commonwealth Transportation Board/Federal Highway Administration and agrees that if such project is approved and constructed by the DEPARTMENT, FAIRFAX, thereafter, at its own expense, will maintain the project, or have it maintained, in a manner satisfactory to the DEPARTMENT or its authorized representatives and will make ample provision each year for such maintenance.
3. FAIRFAX agrees to adjust utilities, and furnish all necessary rights-of-way. All at no expense to the DEPARTMENT.
4. FAIRFAX agrees that the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings and traffic signals, installed or placed by any public authority, or other agency, shall conform to the standards as shown in the current edition of the Manual on Uniform Traffic Control Devices or be subject to the approval of the DEPARTMENT.
5. FAIRFAX agrees to comply with Title VI of the Civil Rights Act of 1964 and the Fair Employment Contracting Act, Section 2.1.2-4200 through 2.2-4201 of the Code of Virginia (1950), as amended.
6. FAIRFAX agrees to comply with all applicable federal, state and local rules, regulations and statutes when work is performed on this project with municipal forces or its agent at project expense.

7. FAIRFAX agrees that prison labor will not be used for any purpose whatsoever on this project.
8. FAIRFAX agrees to participate in the actual cost of this project in accordance with the following tabulation, understanding that the costs shown are estimated and the percentages will be applied to actual costs:

### **SAMPLE MOTION**

"I move that the City Council authorize the City Manager to execute, on behalf of the City of Fairfax, an Agreement with the Virginia Department of Transportation for the Purchase and Installation of Traffic Monitoring Video Cameras, including any amendments thereto, provided that the Agreement and the amendments are acceptable to the City Manager and approved by the City Attorney

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert L. Sisson, City Manager

**RE:** Rte 50 over Accotink Creek Concrete  
Evaluation Services

**ISSUE:** To authorize the City Manager to award a contract with the firm of Facility Engineering Associates in an amount not to exceed \$30,000 for concrete evaluation services of the Rte 50 bridge over Accotink Creek.

**SUMMARY:** Funding was allocated in the Capital Improvement Program for the testing and evaluation of the bridge deck at Rte 50 over Accotink Creek. The deck slab was rehabilitated approximately 30 years ago and is currently showing signs of distress. There were 3 proposals submitted by engineering firms, with all 3 firms being interviewed by a panel of 2. The panel consisted of staff members from Public Works. The panel selected the firm of Facility Engineering Associates.

**FISCAL IMPACT:** Budgeted Amount = \$30,000  
Proposed Amount = \$24,000  
Additional testing and evaluation of the concrete slab may be needed depending on the results of the field investigation. It is recommended that the contract be in an amount not to exceed \$30,000.

**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to award a contract to Facility Engineering Associates for concrete evaluation services of the Rte 50 bridge over Accotink Creek in an amount not to exceed \$30,000. It is also recommended that this contract be extendable for up to 5 years for future concrete evaluation projects, if the selected firm meets the contract expectations, and subject to funds being appropriated.

**COURSE OF ACTION:** Do not award the contract.

**RESP. STAFF/POC:** David Summers, City Engineer

**COORDINATION:** Department of Public Works

**ATTACHMENTS:** Fee Proposal  
Sample Motion

SAMPLE MOTION

“I MOVE THAT THE CITY COUNCIL AWARD A CONTRACT TO FACILITY ENGINEERING ASSOCIATES FOR AN AMOUNT NOT TO EXCEED \$30,000 FOR THE CONCRETE EVALUATION OF THE RTE 50 BRIDGE OVER ACCOTINK CREEK DECK SLAB. THIS CONTRACT MAY BE EXTENDED FOR UP TO 5 YEARS FOR FUTURE CONCRETE EVALUATION PROJECTS IF FACILITY ENGINEERING ASSOCIATES MEETS THE CONTRACT EXPECTATIONS, AND SUBJECT TO FUNDS BEING APPROPRIATED.”

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert L. Sisson, City Manager

**SUBJECT:** Introduction of an ordinance amending Division 1, Article III, Chapter 98 to enact City Code Sections 98-101 through 98-113 Pertaining to Size and Weight of Commercial Vehicles

**ISSUE(S):** Whether to enact a City ordinance providing for size and weight regulations of commercial vehicles and the collection of City fines and fees for violations of the ordinance.

**SUMMARY:** Virginia Code Section 46.2-1138.1 permits local governing bodies to enact ordinances regulating the size and weight of commercial vehicles using City streets and highways. Currently the size and weight of commercial vehicles are regulated by state statute, and the proposed City ordinances would duplicate those standards. Establishment of the City ordinances would permit the City to recover fines and fees currently paid to the Commonwealth of Virginia, provided those funds are used for the construction and maintenance of City roads. Motor

Officers assigned to the Police Department's Traffic Division have obtained the necessary training and equipment to implement a motor carrier safety program. This program will enhance the safety of City streets by removing trucks with defective or unsafe equipment (brakes, steering mechanisms, lights, etc.). Commercial vehicles, particularly when overloaded, cause damage to streets and present a greater risk for vehicle accidents.

**FISCAL IMPACT:** **No additional positions are required. Costs of training and equipment have been absorbed within the Police budget. Anticipated City revenue of approximately \$10,000 per year.**

**RECOMMENDATION:** Introduce the ordinance, waive the first reading and set the public hearing for September 23, 2003.

**ALTERNATIVE  
COURSE OF ACTION:** Take no action.

**RESPONSIBLE STAFF/  
POC:** Police Department

**COORDINATION:** City Attorney, Director of Finance

**ATTACHMENTS:** Ordinance, Sample Motion

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert Sisson, City Manager

**SUBJECT:** Introduction of an ordinance amending City Code Section 90-4 pertaining to administrative costs.

**ISSUE(S):** City Code Section 90-4, Administrative Costs, provides that administrative fees of \$20 before judgment and \$25 after judgment can be added to delinquent accounts. Authority for Section 90-4 is State Code Section 58.1-3958. State Code Section 58.1-3958 was changed effective July 1, 2003 to increase the fees to \$30 and \$35, increase the circumstances to which the fees may be applied and provide for fees on a nuisance abatement lien.

**SUMMARY:** Administrative fees on the collection of delinquent accounts can be increased.

**FISCAL IMPACT:** \$1,700 - \$2,000 increase in Administrative Fee revenue (316585)

**RECOMMENDATIONS:** Introduce the ordinance, waive the first reading, and set the public hearing for September 23, 2003.

**RESPONSIBLE STAFF:** Treasurer

**COORDINATIONS:** City Attorney

**ATTACHMENTS:** Current City Code Section 90-4  
Virginia Code Section 58.1-3958  
Blackline of Section 90-4 showing proposed changes  
Ordinance  
Sample Motion



## **City Code Section 90-4 Administrative costs.**

**There is hereby imposed upon delinquent taxpayers a fee to cover the administrative costs associated with the collection of delinquent taxes. The fee shall be \$20.00 for delinquent taxes collected after the filing of a warrant or other appropriate legal document, but before judgment, and \$25.00 for delinquent taxes collected after judgment. The fee shall be in addition to all penalties and interest related to the failure of the taxpayer to pay the taxes when due.**

State law references: Authority for above section, Code of Virginia, § 58.1-3958.

**State Code § 58.1-3958.** Payment of administrative costs, etc.

The governing body of any county, city or town may impose, upon each person chargeable with delinquent taxes or other delinquent charges, fees to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20 percent of the taxes or other charges so collected. The administrative costs shall be in addition to all penalties and interest, and shall not exceed \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to § 58.1-3919 but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980, so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill that has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

**(Code 1950, § 58-1020.1; 1982, c. 620; 1984, c. 675; 1991, c. 271; 1994, c. 932; 1995, c. 395; 1997, c. 496; 1998, c. 648; 1999, c. 389; 2000, cc. 389, 453; 2003, c. 170.)**

City Code Section 90-4 **Administrative costs.**

**There is hereby imposed upon delinquent taxpayers a fee to cover the administrative costs associated with the collection of delinquent taxes or other delinquent fees. The fee shall not exceed ~~be~~ \$230.00 for ~~delinquent taxes~~ or other charges collected subsequent to 30 or more days after notice of delinquent taxes or other charges pursuant to State Code Section 58.1-3919 but prior to the taking of any judgment with respect to such delinquent taxes or charges ~~collected after the filing of a warrant or other appropriate legal document, but before judgment~~, and \$235.00 for ~~delinquent taxes~~ or other charges collected after subsequent to judgment. The fee shall be in addition to all penalties and interest ~~related to the failure of the taxpayer to pay the taxes when due~~.**

**If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25% percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.**

State law references: Authority for above section, Code of Virginia, § 58.1-3958.

AN ORDINANCE AMENDING ARTICLE I, CHAPTER 90, SECTION 90-4, OF  
THE CODE OF THE CITY OF FAIRFAX, VIRGINIA, PERTAINING TO  
ADMINISTRATIVE COSTS.

BE IT ORDAINED, by the City Council of the City of Fairfax, that Article I, Chapter 90, Section 90-4, of the Code of the City of Fairfax, Virginia, is hereby amended to read in its entirety as follows:

ARTICLE I. IN GENERAL.

**Sec. 90-4. Administrative costs.**

There is hereby imposed upon delinquent taxpayers a fee to cover the administrative costs associated with the collection of delinquent taxes or other delinquent fees. The fee shall be \$30.00 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or other charges pursuant to Code of Virginia § 58.1-3919, but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35.00 for taxes or other charges collected subsequent to judgment. The fee shall be in addition to all penalties and interest.

If collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25% of the cost, whichever is less; however, in no event shall the fee be less than \$25.

BE IT FURTHER ORDAINED that this ordinance shall be deemed effective upon adoption..

INTRODUCED: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

ENACTED: \_\_\_\_\_

	Vote
J. Cross	_____
J. Greenfield	_____
G. Lyon	_____
G. Rasmussen	_____
S. Silverthorne	_____
P. Winter	_____

**ADOPTION**

**SAMPLE MOTION**

**“I MOVE TO ADOPT AN ORDINANCE  
AMENDING ARTICLE I, CHAPTER 90, SECTION  
90-4, OF THE CODE OF THE CITY OF FAIRFAX,  
VIRGINIA.**

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Ordinance adopting supplement #3 to the City Code

ISSUE(S): Adoption of an ordinance adopting supplement #3 to the City Code.

SUMMARY: Adoption of an ordinance adopting looseleaf supplement #3 to the City Code.  
This incorporates into the City Code all ordinances adopted by the City Council  
as of April 8, 2003.

FISCAL IMPACT: Total amount for Municipal Code Corporation to publish supplement #3 to the  
Code is \$5,558.31.

RECOMMENDATION: Recommend to waive the first reading and set the public hearing for September  
23, 2003.

ALTERNATIVE  
COURSE OF ACTION: If the ordinance is not adopted, the Code will not be current.

RESPONSIBLE STAFF/ POC: Rose Marie Murafka, Acting City Clerk

COORDINATION Rose Marie Murafka, Acting City Clerk

ATTACHMENTS: Ordinance  
Sample Motion

**ORDINANCE NO. 2003-**

**AN ORDINANCE ADOPTING LOOSELEAF SUPPLEMENT NUMBER THREE  
TO THE CODE OF THE CITY OF FAIRFAX, VIRGINIA**

**WHEREAS, the City Council has deemed it advisable to adopt recently adopted code amendments within the body of the 2000 Code of the City of Fairfax, Virginia, and accordingly, has caused to be published “Supplement No. 3,” 2000 Code of the City of Fairfax, Virginia, by Municipal Code Corporation, incorporating said amendments therein;**

**BE IT ORDAINED by the City Council of the City of Fairfax, Virginia, as follows:**

**There is hereby adopted a certain code amendment entitled, “Supplement No. 3, Code of the City of Fairfax, Virginia,” published by the Municipal Code Corporation containing certain amendments to the Code previously adopted by ordinance.**

**This ordinance shall become effective as provided by law.**

**Introduced:** \_\_\_\_\_

**Public Hearing:** \_\_\_\_\_

**Adopted:** \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

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Acting City Clerk

VOTE:

Councilwoman Cross	_____
Councilman Greenfield	_____
Councilwoman Lyon	_____
Councilman Rasmussen	_____
Councilman Silverthorne	_____
Councilmember Winter	_____

## SAMPLE MOTION

**“I move to waive the first reading and set the public hearing for September 23, 2003, on an ordinance adopting looseleaf supplement #3 to the Fairfax City Code.”**

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Introduction of Revisions to Chapter 90, Division 3 of the City Code Relating to Exemptions for the Elderly or Disabled

ISSUE(S): To consider revisions to the ordinance governing the tax relief program that is currently in place for elderly and disabled City residents.

SUMMARY: On April 8, Council approved additional funds in the coming year for the purpose of enhancing the City's program for tax and rent relief for the City's seniors and disabled residents. A draft of the proposed revised ordinance that contains revisions previously discussed with Council is now being presented for consideration and approval. Suggested revisions include an increase in asset limits for program qualification, additional program options including tax freeze, tax deferral, and a combination of tax freeze and deferral, and changes in the

administrative processes that should make the application and review process less burdensome for property owners as well as staff.

FISCAL IMPACT: The current budgeted amount for the tax and rent relief program is \$523,000. Estimated costs resulting from program changes are not expected to materially impact FY 03/04.

RECOMMENDATION: Introduce the revised ordinance, waive the first reading and set the public hearing for September 23, 2003.

ALTERNATIVE COURSE OF ACTION: Take no action.

RESPONSIBLE STAFF/ POC: Dave Hodgkins, Director of Finance

COORDINATION: Dorothy O. Bennett, CAE, Real Estate Assessor  
City Attorney

ATTACHMENTS: Senior Tax Relief Memorandum  
Proposed Revised Tax Relief Ordinance  
Sample Motion

## Memorandum

TO: Dave Hodgkins, Director of Finance

FROM: Dorothy O. Bennett, CAE, Real Estate Assessor

DATE: August 4, 2003

SUBJECT: Proposed Revised Exemption Ordinance for Seniors

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Attached is the proposed revised ordinance for tax relief for seniors. The proposed revisions appear in bold print, and include the following:

- Increased asset limit of \$195,000
- Additional relief options including tax deferral, tax freeze, and a combination tax freeze/deferral



- Safeguards such as placing a limitation on the total amount of taxes that may be deferred (33% of the assessed value), and the ability to reapply with new freeze limits if the tax amount on the property should fall below the freeze limit in any given year
- An interest rate on deferred taxes that is equal to the City's average rate of return on investments in the calendar year immediately preceding the assessment of the deferred tax

I have also recommended a change in the application process which will make it necessary for the property owner to submit full documentation only once every three years, which should make the application and review process less burdensome for the property owner as well as staff.

No changes in the income limit of \$52,000, which is in line with Fairfax County's current program limit, are being recommended at this time. The estimated program cost resulting from the increased asset limit, coupled with general annual increases resulting from increased participation and rising assessments and taxes are estimated to exceed current year costs by over 40%.

Please let me know if you have any questions as you review this proposal.

### DIVISION 3. EXEMPTIONS FOR ELDERLY OR DISABLED\* **REVISED**

\*State law references: Authority for this article, Code of Virginia, 58.1-3210 et

#### Sec. 90-71. Definitions

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

***Affidavit* means the real estate tax exemption, deferral or freeze affidavit, or written statement, which shall include all information required in this division.**

***Dwelling* means the full-time residence of the person or persons claiming exemption**

***Permanently and totally disabled* means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.**

***Property* means real property.**

*Taxable year* means the calendar year, from January 1 until December 31, for which exemption is claimed.

*City manager* means the city manager, or the city manager's authorized representative.

*Tax Exemption* means the full or partial exemption from real estate taxes assessed on real property occupied by a taxpayer qualified under the terms of this division. No lien against the property shall accrue as a result of the amount certified as exempt.

*Tax freeze* refers to the total exemption of that portion of the real estate tax which represents the increase in such tax since the taxpayer initially qualified for exemption under this division, so that the taxpayer's real estate tax will be frozen at the amount assessed in the fiscal year in which the taxpayer initially qualifies.

*Tax deferral* shall mean a total or partial deferral of real estate taxes assessed on real property occupied by a taxpayer qualified under the terms of this division. The amount of such taxes so deferred shall become due and payable at a later date in accordance with the provisions set forth in this division, and shall constitute a lien upon the real estate.

(Code 1978, 8-29)

Cross references: Definitions generally, 1-2.

Sec. 90-72. Qualifications for exemption generally.

**Real estate tax exemption, tax deferral, tax freeze, or a combination of freeze and deferral**, is hereby provided for property owners, who are eligible according to the terms of this division and either (i) are not less than 65 years of age, or (ii) are determined to be permanently and totally disabled. Persons qualifying for **such exemption, deferral, freeze, or combination of freeze and deferral** are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth.

(Code 1978, 8-30)

Sec. 90-73. Administration of division.

**The tax exemption, tax deferral, tax freeze, or combination of freeze and deferral** shall be administered by the city manager according to the provisions of this division. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications **for tax exemption, tax deferral, tax freeze, or combination of freeze and deferral** as specified by this division, including qualification as permanently and totally disabled. The city manager may require the production of certified federal tax returns and appraisal reports to establish income or financial worth.

(Code 1978, 8-31)

Cross references: Administration, ch. 2.

Sec. 90-74. Criteria for exemption.

**Tax exemption, tax deferral, tax freeze, or a combination of freeze and deferral** shall be granted to persons who qualify under the following **provisions**:

- (1) The title of the property for which exemption is claimed must be vested on January 1 of the taxable year, wholly or partially in the name of the person or persons claiming exemptions.
- (2) The head of the household occupying the dwelling as his sole dwelling and in whose name, title, or an interest in title, is vested must, on December 31 of the year immediately preceding the taxable year, be either (i) 65 years of age or older, or (ii) permanently and totally disabled.

- (3) The gross combined income of the owner during the year immediately preceding the taxable year must be determined by the city manager to be an amount not in excess of \$52,000.00.
- (4) The net combined financial worth, including equitable interests, as of December 31 of the immediately preceding taxable year, of the owner, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding once acre, upon which it is situated, must not exceed **\$195,000**.

(Code 1978, 8-32; Ord. No. 2002-5, 1-22-02.

Sec. 90-75 Application.

- (a) **Each person or persons claiming any exemption, deferral or freeze under this division shall file an affidavit or written statement with the city manager not later than April 15.** The affidavit shall set forth, in a manner prescribed by the city manager, the name of the owner and of the related persons occupying the dwelling for which exemption is claimed, their gross combined income and their total combined net worth. If such person is under 65 years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in Code of Virginia, 58.1-3217. **The affidavit shall also include an indication as to whether the person or persons intends to claim either tax exemption, tax deferral, tax freeze, or a combination of tax freeze and deferral. Each affidavit or written statement filed pursuant to this section shall be deemed valid for a period of three (3) years; provided, however, that each year during the three-year period and within the time requirement for filing affidavits, the person or persons claiming tax exemption, tax deferral, tax freeze or a combination of tax freeze and deferral shall file with the city manager a certification that the information contained on the affidavit has not changed or that, if any change has occurred, that such change does not serve to violate the limitations and conditions provided in this division.**
- (b) If after audit and investigation, the city manager determines that the owner is qualified for any tax exemption, **tax deferral, or tax freeze**, he shall so certify to the treasurer of the city who shall deduct the **appropriate** amount from the claimant's real estate tax liability.
- (c) **The City Manager shall also make any other reasonably necessary inquiry of persons seeking any exemption, deferral, or freeze under this division, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in Code of Virginia, Section 58.1-3217, and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling, or as otherwise specified herein. The City Manager may also require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.**

(Code 1978, 8-33)

State law references: Similar provisions, Code of Virginia, 58.1-3213.

**Sec. 90-76. Amount of exemption/deferral/freeze.**

When a person claiming **any** exemption, deferral or freeze under this division conforms to the standards and limitations set forth in this division, the tax exemption, deferral, or freeze shall be as shown for the selected category:

**Basic Tax Relief**

Income	Exemption
\$0-40,000	100%
\$40,001-46,000	50%

## Tax Deferral

The person or persons qualifying for and claiming tax deferral shall be allowed to defer payment of one hundred (100) percent of all real estate taxes assessed by the city against the real estate until payment becomes due as provided herein.

The accumulated amount of taxes deferred shall be paid without penalty, plus an interest rate equal to the City's average rate of return on investments in the calendar year immediately preceding the assessment of the deferred tax, not to exceed a maximum of eight (8) percent per annum, to the treasurer of the city by the owner at any time prior to, or upon the sale of the dwelling, or from the estate of decedent within one year from the death of the last owner thereof who qualifies for tax deferral by the provisions of this division. Such deferred real estate taxes shall constitute a lien upon the real estate as if they had been assessed without regard to the deferral permitted by this division; provided, however, that such liens shall, to the extent that they exceed the aggregate ten (10) percent of the price for which such real estate is sold, be inferior to all other liens of record.

Accumulated deferred taxes, together with the interest thereon, shall not exceed thirty-three (33) percent of the assessed value of the property. If in any year a person who is otherwise eligible under the conditions and limitations of this article for a deferral has accumulated deferred taxes together with the interest thereon, which would exceed thirty (33) percent of the assessed value of the property, such person shall be entitled to an exemption for that portion of tax which would exceed thirty-three (33) percent of the assessed value of the property.

## Tax Freeze

**The tax freeze option is available to all qualifying taxpayers. Taxes will be frozen at the amount assessed in the year in which the taxpayer initially becomes qualified under the income and asset parameters set forth in this division.**

If, for any year following the initial qualification of a taxpayer for a tax freeze, the total amount of property taxes assessed by the city falls below the freeze level, or such taxpayer becomes disqualified for any other reason, a subsequent application for exemption by such taxpayer may be filed, and shall be treated as an initial application for purposes of determining the tax freeze amount.

## Combination Tax Freeze/Tax Deferral

Any qualifying person may elect to participate in the combination tax freeze/tax deferral program. Through this program, taxes will be frozen at the amount assessed in the year in which the taxpayer initially becomes qualified under the income and asset parameters set forth in this division, and the taxpayer may also defer the amount of tax over and above the freeze level subject to all deferral regulations as outlined in the previous section.

(Code 1978, 8-34; Ord. No. 2002-5, 1-22-02)

## Sec. 90-77. Changes in circumstances.

Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided

in this article shall nullify any exemption, **deferral, tax freeze, or combination thereof**, for the remainder of the current taxable year and the taxable year immediately following.

(Code 1978, 8-35)

State law references: Similar provisions, Code of Virginia, 58.1-3215.

Sec. 90-78. Records generally.

For recordkeeping purposes, **all exemptions, deferrals and freezes granted under the provisions of this division** will be handled as expenditures on the official books with a credit being made to the revenue section of the budget thereby not affective the collection record of the city.

(Code 1978, 8-37)

Sec. 90-79. Penalties for violation of division.

Any person or persons falsely claiming an exemption shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

(Code 1978, 8-36)

**SAMPLE MOTION**

**“I MOVE TO INTRODUCE REVISIONS TO CHAPTER 90, DIVISION 3 OF THE CITY CODE RELATING TO EXEMPTIONS FOR THE ELDERLY OR DISABLED, AND SET THE PUBLIC HEARING FOR SEPTEMBER 23, 2003.”**

**TO:** Honorable Mayor and Members of City Council

**FROM:** Robert L. Sisson, City Manager

**RE:** Public Hearing and Adoption an Appropriation Resolution in the Amount of \$335,000 for the Construction of a Building Extension of the Existing CUE Bus Washer Facility and the Purchase and Installation of a New Bus Washer

**ISSUE:** Hold a public hearing and adopt an appropriation resolution to fund the construction of a building extension of the existing CUE bus washer facility and the purchase and installation of a new bus washer.

**SUMMARY:** An appropriation resolution is presented for City Council's consideration. The funds will provide for the construction of a building extension of the existing CUE bus washer facility and the purchase and installation of a new bus washer. Bids now have been received for the construction of the building extension and the bus washer. It is anticipated that the building construction will cost \$195,000 and the bus washer will cost \$140,000 for a total of \$335,000. The funds to be expended to construct the building extension and the bus washer are justifiable expenditures that can be reimbursed through the City's account with the Northern Virginia Transportation Commission (NVTC). \$134,000 out of the \$335,000 is eligible for State grant reimbursement.

**FISCAL IMPACT:** \$335,000 to be appropriated. However, this amount will be reimbursed through the City's account with the Northern Virginia Transportation Commission and the State will cover \$134,000 through a grant.

**RECOMMENDATION:** Hold the public hearing and adopt the appropriation resolution.

**ALTERNATIVE COURSE OF ACTION:** Do not appropriate the funds.

**RESP. STAFF/POC:** Alexis L. Verzosa, Transportation Director

**COORDINATION:** Public Works, Finance

**ATTACHMENTS:** Staff Report  
Appropriation Resolution  
Sample Motion

**TO:** Robert Sisson  
City Manager

**THRU:** John Veneziano, Director  
Public Works

**FROM:** Alexis L. Verzosa  
Transportation Director

**SUBJECT:** Public Hearing and Adoption of an Appropriation Resolution in the Amount of \$335,000 for the Construction of a Building Extension of the Existing CUE Bus Washer Facility and the Purchase and Installation of a New Bus Washer

**DATE:** August 26, 2003

In the 2001-2002 CIP, \$90,000 was appropriated for the replacement of the existing CUE bus washer. On October 9, 2001, the City Council approved the appropriation of \$140,000 for the design and construction of a building extension to the existing bus washer facility to accommodate a new bus washer. After the completion of the design of the building extension in 2002, request for bids were issued and three bids were received. All bids received were over the budget and consequently, all bids were rejected. Therefore, the City rebid the project.

In the meantime, in the early part of 2003, an opportunity arose for the City to submit a grant application to fund the building extension, the new bus washer, and a new CUE office trailer. Applications in the total amount of \$500,000 were submitted, and the State on June 19, 2003 approved a capital grant to the City in the amount of only \$200,000 for the building extension, new bus washer, and new CUE office trailer. In view of the State's tight fiscal budget, the State stipulated that in order for the City to avail of the \$200,000, the City needs to provide a match in the amount of \$300,000.

Staff had assumed that the State was going to approve the original amount of \$500,000 without a match. Staff therefore did not carry over the \$90,000 CIP appropriation and the \$140,000 appropriation approved by the City Council.

Based on the previous bids that were rejected, the City's consultants prepared new cost estimates and budget. Based on the new cost estimates, new bids have now been received for the construction of the building extension and the bus washer. Before contracts can be awarded, an appropriation in the amount of \$335,000 needs to be approved by the City Council. This expenditure is an eligible expense that can be reimbursed with the City's NVTC account. Out of the \$335,000, \$134,000 will be covered by the State grant.

**RESOLUTION NO. \_\_\_\_\_**

**BE IT RESOLVED**, by the City Council of the City of Fairfax, Virginia, that the following appropriation is made for the twelve (12) month period beginning July 1, 2003, and ending June 30, 2004:

**Transportation Fund**

<u>Account Number</u>	<u>Account Name</u>	<u>Budget Amount</u>
<u>Revenues</u>		
319004	Northern Virginia Transportation	\$335,000

Commission

Expenditures

437110-580211	Improvements	\$195,000
437110-580108	Equipment (Replacement)	\$140,000

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

VOTE:

Councilman Cross	_____
Councilman Greenfield	_____
Councilman Lyon	_____
Councilman Rasmussen	_____
Councilman Silverthorne	_____
Councilman Winter	_____

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**SAMPLE MOTION**

"I move that the City Council adopt the attached appropriation resolution in the amount of \$335,000, to fund the construction of the building extension and the purchase and installation of a new bus washer."

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Special Use Permit, SU-1468-03-1  
Fairfax County Public Schools  
Daniels Run Elementary - 3705 Old Lee Highway

**ISSUE(S):** To consider a Special Use Permit for the installation of two mobile classrooms at Daniels Run Elementary School.

**SUMMARY:** The applicant proposes to install two 13' 8" x 48' temporary classrooms to alleviate overcrowding.



**FISCAL IMPACT:** Minimal

**RECOMMENDATION:** Staff recommends approval with a condition.

**ALTERNATIVE COURSE OF ACTION:** City Council may approve, approve with conditions, or deny the request.

**RESPONSIBLE STAFF/POC:** David Hudson, Director, CDP  
Carolyn Adkins, Senior Planner

**COORDINATION:** Community Development and Planning  
Office of Code Administration  
Commissioner of Revenue  
Treasurer  
City Attorney

Notices Posted: August 29, 2003  
Advertisements: August 27, 2003, September 3, 2003

**ATTACHMENTS:** Staff report dated August 27, 2003

<b>SPECIAL USE PERMIT</b>
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**DATE:** August 27, 2003

**TO:** Robert Sisson, City Manager

**THROUGH:** David B. Hudson, Director, CDP  
David L. Recor, Chief of Current Planning

**FROM:** Carolyn Adkins, Senior Planner

**SUBJECT:** Special Use Permit, SU-1468-03-1

**ATTACHMENTS:**

1. Location Map
2. Application with statement of support
3. Plans
4. Sample Motions

<b>NATURE OF REQUEST</b>
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1. **Case Number:** SU-1468-03-1
2. **Request:** Special Use Permit, pursuant to City Code Section 110-482(10), to allow installation of two mobile classroom trailers at Daniels Run Elementary School.
3. **Applicant:** Sunny Sarna, authorized agent for the City of Fairfax School Board
4. **Status of Application:** New
5. **Property Information:**

**Address:** 3705 Old Lee Highway  
**Zoning:** R-2 Residential District  
**Area:** 13.7 acres

6. **Relevant Regulations and/or Considerations:**

**Section 110-482** Uses permitted by special use permit in the R-2 District.  
(10) Schools of general instruction and nursery schools complying with the provisions of article 2, division 9 of this chapter.

**Section 110-366(3)(a-m).** The City Council may grant special use permits only after considering:

- a. Consistency with the comprehensive plan and other adopted city goals and policies.
- b. The size and shape of the lot on which the use is proposed.
- c. Vehicular and pedestrian traffic.
- d. Trip generation characteristics of the proposed use.
- e. Site design.
- f. Lighting, traffic, sight, smoke, dust, odor, noise, vibration and other factors which may affect the serenity of the neighborhood.
- g. The safety and movement of vehicular traffic upon adjacent streets.
- h. The safety and welfare of residents living in the area.
- i. The location, height, and design of buildings, walls, fences and landscaping proposed.
- j. Overall impact of the proposed use upon the development and use of adjacent land.
- k. Safety and welfare of persons working in the neighborhood.
- l. Harmony of the proposal with the general purpose and intent of the applicable article of this chapter
- m. The purposes of zoning ordinances set forth in the Code of Virginia, § 15.2-2283.

**Section 110-366(4).** The City Council may impose conditions upon any special use permit as deemed necessary in the public interest to secure compliance with the criteria of Section 110-366(3).

7. **Site History:**

**July 28, 1998 – City Council approved Special Use Permits to accommodate the expansion of Layton Hall Elementary School, with conditions.**

8. **Notifications:** The Old Lee Hills and Farrcroft civic associations were notified concerning the applicant's request. In addition, as required by law, written notice was mailed to all adjacent property owners.

## ANALYSIS

The applicant is requesting a Special Use Permit for two mobile classroom trailers at Daniels Run Elementary School. Based upon the applicant's statement of justification, the two classrooms are needed to alleviate overcrowded conditions. The demand for additional classroom space may be attributed to several factors, including a reduction in student/teacher ratios and increased student enrollment.

The two trailers at Daniels Run Elementary School will be located behind the school building, adjacent to the existing playground, and will not be visible from Old Lee Highway. Therefore, installation of the trailers does not require approval by the Board of Architectural Review. The two classrooms are not expected to impact the school's parking requirements or traffic generation characteristics and are not anticipated to have a negative impact on the surrounding neighborhood. The trailers are described by the applicant as "temporary", although for an unspecified length of time.

### STAFF RECOMMENDATION

Staff recommends approval of the applicant's request for a Special Use Permit, pursuant to City Code Section 110-482(10), to install two mobile classroom trailers at Daniels Run Elementary School, with the following condition:

1. Installation of the two mobile classrooms shall be in substantial conformance to the construction plans received by the Department of Community Development and Planning on August 7, 2003, and the location plan received on August 14, 2003.

**SAMPLE MOTION FOR DENIAL**

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST OF FAIRFAX COUNTY PUBLIC SCHOOLS, BY SUNNY SARNA, AUTHORIZED AGENT, FOR A SPECIAL USE PERMIT, PURSUANT TO CITY CODE SECTION 110-482(10), TO ALLOW TWO MOBILE CLASSROOM TRAILERS AT DANIELS RUN ELEMENTARY SCHOOL, ON THE PREMISES KNOWN AS 3705 OLD LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((2))-182.

*(Council to provide reasons)*

**SAMPLE MOTION FOR APPROVAL  
WITH A CONDITION  
(Recommended by staff)**

I MOVE THAT THE CITY COUNCIL APPROVE, WITH THE FOLLOWING CONDITION, THE REQUEST OF FAIRFAX COUNTY PUBLIC SCHOOLS, BY SUNNY SARNA, AUTHORIZED AGENT, FOR A SPECIAL USE PERMIT, PURSUANT TO CITY CODE SECTION 110-482(10), TO ALLOW TWO MOBILE CLASSROOM TRAILERS AT DANIELS RUN ELEMENTARY SCHOOL, ON THE PREMISES KNOWN AS 3705 OLD LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((2))-182:

- 1. Installation of the two mobile classrooms shall be in substantial conformance to the construction plans received by the Department of Community Development and Planning on August 7, 2003, and the location plan received on August 14, 2003.**

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager

SUBJECT: Special Use Permit to allow additional church-related uses  
SU-1462-03-1  
Truro Episcopal Church, One Truro Lane

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<b>ISSUE(S):</b>	To consider the applicant's request for a special use permit to allow additional church-related uses on property that is adjacent to the principal church site and owned by the applicant.
<b>SUMMARY:</b>	The applicant proposes to conduct church-related uses on the rectory site of the Truro campus, including an annual vacation bible school (one week per summer), a summer camp program (two weeks per summer), and occasional small church group gatherings (year-round, weather permitting). No new construction, permanent improvements, lighting, music, or amplification is proposed.
<b>FISCAL IMPACT:</b>	None
<b>RECOMMENDATION:</b>	Staff recommends that City Council approve, with conditions, the Special Use Permit request.
<b>ALTERNATIVE COURSE OF ACTION:</b>	City Council may approve, approve with conditions, or deny the request.
<b>RESPONSIBLE STAFF/POC:</b>	David Hudson, Director, Community Development and Planning Heidi Waugh, Senior Planner
<b>COORDINATION:</b>	City Attorney, Code Administration, Commissioner of the Revenue, Public Works , Treasurer, and Utilities

Notices Posted: August 22, 2003  
Advertisements: August 22, 2003 and August 29, 2003

**ATTACHMENTS:**

1. Staff Report dated September 2, 2003
2. Sample Motions

## SPECIAL USE PERMIT

DATE: September 2, 2003

TO: Robert Sisson, City Manager

THROUGH: David Hudson, Director, CDP  
David Recor, Chief, Current Planning

FROM: Heidi Waugh, Senior Planner

SUBJECT: Special Use Permit SU-1462-03-1  
Truro Episcopal Church, One Truro Lane

### ATTACHMENTS:

Location Map  
Application with Statement of Support  
Plans  
Photos

E. Letter from Rustfield Association, Inc.

## NATURE OF REQUEST

1. Case Number: SU-1462-03-1
2. Purpose: The applicant requests approval of a Special Use Permit pursuant to City Code Section 110-482(1) to permit additional church-related uses on property that is adjacent to the principal church site and owned by the applicant.
3. Applicant: Truro Episcopal Church, by Sarah E. Hall, Attorney/Agent
4. Status of Applicant: Property owner
5. Status of Application: New
6. Property Information

Address: One Truro Lane [Tax Map Parcel 57-2-02-162A]  
Area: Lot: 150,197 square feet (3.44 acres)  
Zoning: C-2 Retail Commercial, R-2 Residential,  
and Old Town Fairfax Historic Overlay Districts.

**7. Relevant Regulations:**

Section 110-366(3)(a-m): The City Council may grant Special Use Permits only after considering:

- a. Consistency with the comprehensive plan and other adopted city goals and policies;
- b. The size and shape of the lot on which the use is proposed;
- c. Vehicular and pedestrian traffic;
- d. Trip generation characteristics of the proposed use;
- e. Site design;
- f. Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors which may affect the serenity of the neighborhood;
- g. The safety and movement of vehicular traffic upon adjacent streets;
- h. The safety and welfare of residents living in the area;
- i. The location, height and design of buildings, walls, fences and landscaping proposed;
- j. Overall impact of the proposed use upon the development and use of adjacent land;
- k. Safety and welfare of persons working in the neighborhood;
- l. Harmony of the proposal with the general purpose and intent of the applicable article of the Zoning Ordinance; and
- m. The purposes of zoning ordinances set forth in section 15.2-2283 of the Code of Virginia.

Section 110-366(4)(a): City Council may impose conditions upon any Special Use Permit, including limitation on the duration of the permit, as deemed necessary in the public interest to secure compliance with the considerations in subsection (3) of this section. Surety in a form acceptable to the city attorney may be required to ensure compliance with the conditions. No occupancy permit shall be issued for any special use until the applicant has complied with the conditions.

Section 110-482(1): [Permits church uses in the R-2 Residential District with a special use permit issued by City Council in accordance with the provisions of City Code Section 110-366].

**8. Site History:**

**May 2001**      **Applicant purchased adjacent Prichard property (3820 Chain Bridge Road).**  
**May 2002**      **Applicant modified boundary line between the subject property (One Truro Lane) and the Prichard property for a total of 3.44 acres at One Truro Lane.**

**9. Status of Business License, Fees and Taxes:      Current**

**10. Public Notifications:**



The Presidents of the Rustfield Homeowners Association and the Fairfax Triangle Civic Association were contacted by mail regarding the applicant's request for a Special Use Permit to allow additional church-related uses on property that is adjacent to the principal church site and owned by the applicant. In addition, as required by state and city code, notifications were mailed to adjacent property owners.

The Rustfield Homeowners Association has submitted a letter outlining their concerns with the proposed uses (see Attachment E). Staff has not received any comments from the Fairfax Triangle Civic Association or the adjacent property owners.

## **REQUEST**

This application is the request of Truro Episcopal Church, by Sarah E. Hall, attorney/agent, for a special use permit to allow additional church-related uses on property located at One Truro Lane, which is adjacent to the principal church site and owned by the applicant. Specifically, the applicant requests approval to allow the operation of a vacation bible school, a summer camp, and small church group gatherings on the subject property. No new construction, improvements, or structures are proposed.

## **BACKGROUND**

The principal site for Truro Episcopal Church is located at 10520 Main Street on a split-zoned lot that is partially located in the C-2 Retail Commercial District and partially in the R-2 Residential District, as well in the Old Town Fairfax Historic Overlay District. In 1992, the applicant purchased an adjacent piece of property located at One Truro Lane (known as the Van Dyke property) that contained 1.94 acres. The existing residential structure on this lot is used as the church rectory. In 2001, the applicant then purchased an additional piece of property adjoining the Van Dyke property (known as the Prichard property) that contained 2.63 acres. In 2002, the applicant subsequently modified the boundary line between the Van Dyke and Prichard properties, resulting in an additional 1.51 acres of land at One Truro Lane for a total of 3.44 acres. The remaining 1.12 acres on the Prichard property that contains a single-family residential structure was sold for use as a private residence.

The subject property is located on a 3.44-acre site on the northern side of Truro Lane and is adjacent to single-family residential structures in the Rustfield subdivision to the west and to additional single-family residential structures to the north and east. The principal church site is also adjacent to the subject property to the west. The subject property is split-zoned and is located partially in the C-2 Retail Commercial district and partially in the R-2 Residential District. In addition, the subject property is situated within the Old Town Fairfax Historic Overlay District. The proposed activities on this property would take place in both the C-2 and the R-2 districts. In the C-2 district, however, churches and their related uses are permitted by right; however, in the R-2 district, churches and their affiliated uses require approval of a special use permit.

Prior to the applicant purchasing the Prichard property, the applicant conducted the proposed vacation bible school and summer camp programs for five years and three years, respectively, as guests of the Prichards on the Prichard's property. During those years, neither the applicant nor the Department of Community Development and Planning received complaints from the adjacent residential community regarding the use of the property.

## PROPOSAL

The proposed activities on the subject property include a vacation bible school, a summer camp, and small group gatherings. No new construction or installation of any permanent improvements are proposed for the subject property. In addition, no lighting would be installed, no trees would be removed, and no music or amplification devices of any kind would be used.

Details regarding the proposed activities are outlined below:

Activity	Ages	Maximum Number of participants	Student-Teacher Ratio	Outdoor activity areas	Dates	Times
Vacation Bible School	5 to 12, plus adult supervision	200	4:1 for preschoolers ; 5:1 for elementary students	A and B	One week (5 weekdays) in late June	9 a.m. to noon
Summer Camp	8 to 14, plus adult supervision	120	5/6:1 for elementary and junior high students	A and B	Two weeks (10 weekdays) in late July and early August	8 a.m. to 5 p.m.
Church group meetings	12 and up	30	15:1 for junior and senior high students	B	Year-round, weather permitting	9 a.m. to 7 p.m.

The proposed vacation bible school and summer camp programs would have indoor activities scheduled on the principal church site and outdoor activities scheduled on the subject property in designated activity Areas A and B (see Attachment C). The vacation bible school use of the subject property would utilize Areas A and B four times a day for a maximum of 30 minutes per time, with no more than 40 students in either activity area at any one time. The summer camp program would utilize Areas A and B five times a day for a maximum of 60 minutes per time, with no more than 40 students in either activity area at any given time.

Proposed activities in Area A include relay races, foot races, tag games, and obstacle courses. No games involving thrown objects would occur. Area B would be used by both programs for small group gatherings (including Bible study, stories, and prayers). Canopy tents (no larger than 5'x5') would be used in Area B during the vacation bible school week.

According to the applicant, the vacation bible school and summer camp programs are integral parts of Truro's youth ministry. The majority of students and campers enrolled in these annual programs are parishioners, but some members of the surrounding community attend as well.

Staff notes that the number of students and campers enrolled in the past as part of the applicant's vacation bible school and summer camp programs would not be increased.

The applicant also proposes to utilize Area B for small church group gatherings for its members and guests on a year-round basis, weather permitting, for discussions and Bible study. As proposed, the use of this area would be infrequent and would not be held concurrently during the vacation bible school and summer camp programs.

## **ANALYSIS**

When reviewing an application for a Special Use Permit request, the City Council must consider the elements outlined in City Code Section 110-366, each of which is discussed below:

### **CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER ADOPTED CITY GOALS AND POLICIES**

The Future Land Use Map in the Comprehensive Plan provides for both commercial and low density residential uses on the subject property. Use of the designated outdoor activity Areas A and B for church-related activities, including a vacation bible school, summer camp, and small church group gatherings, would be an appropriate use, with approval of a special use permit, within these recommended commercial and residential designations.

### **SIZE AND SHAPE OF LOT/SITE DESIGN**

The proposed development meets the minimum bulk and lot area requirements for the C-2 Retail Commercial, R-2 Residential, and Old Town Fairfax Historic Overlay Districts, and the size and shape of the subject property are adequate for the proposed uses.

### **LOCATION, HEIGHT, AND DESIGN OF BUILDINGS, WALLS, FENCES, AND LANDSCAPING PROPOSED**

No new physical development of the site is proposed; however, the applicant proposes to install supplemental landscape plantings for additional screening and buffering on the northwestern side of the subject property adjacent to the Rustfield residential community. Specifically, the applicant proposes to install a row of shrubbery extending ten feet out from the six-foot-high wooden fence that separates the subject property from Rustfield. This row of shrubs would run approximately 200 feet in length and would be interspersed with existing trees and shrubbery.

Approximately ten canopy tents measuring 5'x5' would be used one week (five weekdays only) per year by the vacation bible school program. These temporary tents would be located in activity Area B.

### **TRAFFIC AND PARKING**

#### ***Trip Generation Characteristics***

In addition to the church operations that occur on the principal church site, there have traditionally been two additional uses that have operated out of the church facilities during the school year, including the Truro Preschool/Kindergarten program and the Trinity Christian School. Neither of these educational uses has operated during the summer months and Trinity Christian School has recently relocated its education facilities to Fairfax County.

In order to calculate the difference in the number of vehicle trips that would be generated by the proposed additional uses at the principal church site, the following table outlines the vehicle trip ends typically generated by both the existing and proposed uses in accordance with the Institute of Traffic Engineers (ITE) Trip Generation Manual, 6<sup>th</sup> Edition:

<b>EXISTING WEEKDAY SCHOOL-YEAR USES (all operating concurrently)</b>	<b><u>Number of vehicle trip ends generated</u></b>		
	<b>A.M. peak hour</b>	<b>P.M. peak hour</b>	<b>Total</b>
Church operations	31	35	66
Truro Preschool/ Kindergarten	123	128	251
Trinity Christian School	122	122	244
<b>Total</b>	276	285	561
<b>PROPOSED WEEKDAY SUMMER USES</b>			
Church operations	31	35	66
Vacation Bible School	199	207	406
<b>Total for church &amp; VBS</b>	230	242	466
Summer Camp	113	118	231
<b>Total for church and camp</b>	144	153	197
Small group gatherings	27	27	54
<b>Total for church and small groups</b>	58	62	120

When comparing the weekday vehicle trip ends that would be generated by the proposed uses to the vehicle trip ends that have typically been generated at the principal church site throughout the school year (including the primary church operation, preschool/kindergarten, and Trinity Christian School uses), the number of vehicle trips being generated would be less in all instances (approximately 15% less for the vacation bible school, 47% less for the summer camp program, and 79% less for the small church group gatherings). Note that neither the vacation bible school, summer camp program, or small church group gatherings would operate concurrently.

Therefore, based upon the ITE estimates and the information provided by the applicant, approval of this application is not expected to increase the existing vehicle trip generation rates for the subject property in relation to those that have typically been generated throughout the school year.

### ***Vehicular and Pedestrian Traffic***

Since the majority of children attending the vacation bible school and summer camp programs would be dropped off and picked up, the vehicular traffic would be limited primarily to the early morning and noon time for the vacation bible school and early morning and early evening for the summer camp program. No vehicular traffic associated with the proposed uses would be generated at One Truro Lane, with the exception of deliveries for the rental tents. All vehicular traffic associated with the proposed uses would be restricted to the principal church site.

Pedestrian circulation at the principal church site would be accommodated by existing sidewalks and access to the proposed outdoor activity areas at the subject property would be provided from either the driveway leading to the rectory or from a trail off the rear parking area behind the church building.

### ***Vehicular Parking***

**There are currently 175 parking spaces located on the principal church site. An additional 50 parking spaces are located on the adjacent City-owned lot that is used by the church for over-flow parking. Approximately 211 parking spaces are required for the church.**

**The applicant has indicated to staff that typically a maximum of 60 parking spaces would be required for the church use of the site during a summer weekday. Although the zoning ordinance does not provide any guidance on calculating parking for the proposed uses, staff has analogized the proposed uses to a daycare center for purposes of determining a parking standard. Using the zoning regulations that require one parking space per employee and one space per five children the facility is designed to accommodate, staff estimates that approximately 75 parking spaces would be required for the vacation bible school use, 39 parking spaces for the summer camp program, and a maximum of 30 parking spaces for the occasional small church group gatherings.**

**Since the proposed programs would not run concurrently, parking at the principal church site is adequate to accommodate the principal church activities and the proposed activities. In reality, the need for vehicular parking for the proposed uses would be minimal since the majority of children would be dropped off and picked up at the door. Staff also notes that the Truro Episcopal Preschool would not be utilizing the principal church site during the summer months.**

### ***Safety and Movement of Vehicular Traffic on Adjacent Streets***

**Based upon review of the information provided by the applicant, approval of this application is not anticipated to have any negative impact on the safety and movement of vehicular traffic upon Truro Lane, North Street, and Main Street.**

## **EFFECT ON ADJACENT PROPERTIES**

*Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors which may affect the serenity of the neighborhood*

Based upon review of the information provided by the applicant, it is not anticipated that the serenity of the neighborhood would be affected by lighting, traffic, or noise, nor would smoke, dust, odor, or vibration be produced by activity related to the proposed use of the subject property. The characteristics of the proposed uses, with the proposed conditions, are compatible with the residential area in which it is located.

In order to mitigate any disruption to the adjacent residential community that the proposed activities might cause, the applicant proposes to limit the duration of the activities in terms of hours and days per week, to limit the number of persons using the outdoor activity areas at any given time, to limit the locations of the outdoor play areas, and to limit the type of activities that would be occur in each of the designated activity areas. In addition, the applicant would not erect any permanent improvements, remove any trees, install any lighting, use any amplification devices (including bullhorns) or play any music. For screening and buffering purposes, the applicant proposes to install supplemental plantings adjacent to the Rustfield community.

## **PUBLIC SAFETY AND WELFARE**

Based upon review of the information provided by the applicant, approval of this application is not anticipated to have any negative impact on the public safety and welfare of residents living in the area or persons working in the neighborhood.

## **HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE**

Approval of this application is consistent with the intent and purpose of the Zoning Ordinance.

## **SECTION 15.2-2283 OF THE CODE OF VIRGINIA**

The Code of Virginia states that “zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public.” The proposed uses are consistent with the general purpose of protecting the health, safety, and welfare of the public.

## **FINDINGS AND RECOMMENDATIONS**

Based on the criteria established in Section 110-366, staff finds that the application:

1. Is generally consistent with the recommendations of the Comprehensive Plan;
2. Is appropriate for the size, shape, and location of the site;
3. Would not have an adverse impact on the existing and planned use and development of adjacent properties;
4. Would not have an adverse impact on the general public safety and welfare; and
5. Is in harmony with the general purpose and intent of the Zoning Ordinance and Section 15.2-2283 of the Code of Virginia;

As mentioned above, the Rustfield Homeowners Association submitted comments regarding this application (Attachment E). The concerns expressed in the attached correspondence are addressed through the conditions recommended below.

In accordance with the proposed program descriptions submitted by the applicant as part of this application, staff recommends that application SU-1462-03-1 be approved with the following conditions:

1. A maximum of 80 children shall be permitted in the outdoor activity areas, with no more than 40 children in either Area A or B.
2. There shall be no vehicular access or parking associated with the proposed uses at One Truro Lane, with the exception of deliveries for the canopy tents to be used in activity Area B.
3. No concurrent events or activities shall be held on the principal church site that would impede the required parking for the vacation bible school, summer camp, and small church group gatherings.
4. The proposed programs and activities shall be limited in operation and use to those provisions and limitations contained within the Statement of Support as well as the June 24, 2003 letter from Sarah E. Hall, attorney/agent for the applicant.
5. The Special Use Permit shall be valid through August 30, 2005 and may be renewed as provided by law.



SAMPLE MOTIONS

**FOR APPROVAL WITH CONDITIONS: (staff recommendation)**

I MOVE THAT THE CITY COUNCIL FIND THAT THE REQUEST OF TRURO EPISCOPAL CHURCH, PROPERTY OWNER, BY SARAH E. HALL, ATTORNEY/AGENT, FOR APPROVAL OF A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-482(1) TO ALLOW ADDITIONAL CHURCH-RELATED USES ON THE PREMISES KNOW AS ONE TRURO LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((02))-162A, MEETS THE REVIEW CRITERIA CONTAINED IN CITY CODE SECTION 110-366, AND THAT CITY COUNCIL APPROVE REQUEST SU-1462-03-1, WITH THE FOLLOWING CONDITIONS:

1. A maximum of 80 children shall be permitted in the outdoor activity areas, with no more than 40 children in either Area A or B.
2. There shall be no vehicular access or parking associated with the proposed uses at One Truro Lane, with the exception of deliveries for the canopy tents to be used in activity Area B.
3. No concurrent events or activities shall be held on the principal church site that would impede the required parking for the vacation bible school, summer camp, and small church group gatherings.
4. The proposed programs and activities shall be limited in operation and use to those provisions and limitations contained within the Statement of Support as well as the June 24, 2003 letter from Sarah E. Hall, attorney/agent for the applicant.
5. The Special Use Permit shall be valid through August 30, 2005 and may be renewed as provided by law.

**FOR APPROVAL:**

I MOVE THAT THE CITY COUNCIL FIND THAT THE REQUEST OF TRURO EPISCOPAL CHURCH, PROPERTY OWNER, BY SARAH E. HALL, ATTORNEY/AGENT, FOR APPROVAL OF A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-482(1) TO ALLOW ADDITIONAL CHURCH-RELATED USES ON THE PREMISES KNOW AS ONE TRURO LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((02))-162A, MEETS THE REVIEW CRITERIA CONTAINED IN CITY CODE SECTION 110-366, AND THAT CITY COUNCIL APPROVE REQUEST SU-1462-03-1.

**FOR DENIAL:**

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST OF TRURO EPISCOPAL CHURCH, PROPERTY OWNER, BY SARAH E. HALL, ATTORNEY/GENT, FOR APPROVAL OF A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-482(1) TO ALLOW ADDITIONAL

CHURCH-RELATED USES ON THE PREMISES KNOW AS ONE TRURO LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((02))-162A, FOR THE FOLLOWING REASONS:

*(City Council to provide reasons)*

